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- < The Family and Medical Leave Act of 1993 (FMLA);
- < Uniformed Services Employment;
- < Veterans Readjustment Act of 1974;
- < Uniformed Services Employment and Reemployment Rights Act (USERRA);
- < Texas Human Rights Act, Chapter 21 of the Texas Labor Code (TCHRA),

<p><b>Discrimination</b></p>	<p>Treating an individual differently and negatively by taking an injurious action because of his or her Protected Characteristics.</p> <p>An injurious action is any act or omission that results in a material negative effect on the terms, conditions, and privileges of employment or enrollment. An “injurious action” as defined in this Policy may overlap with or be broader than the minimums established in law under the term “adverse action.”</p> <p>Injurious actions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>&lt; denial or limitation of access to programs or services;</li> <li>&lt; the provision of lesser services;</li> <li>&lt; differential application of policies;</li> <li>&lt; loss of money;</li> <li>&lt; hiring, firing, promotion, or demotion;</li> <li>&lt; reduction in pay or benefits; and/or</li> <li>&lt; reassignment, transfer, or a change in duties.</li> </ul>
<p><b>Good Faith</b></p>	<p>An actual and reasonable belief that the misconduct has both occurred and is contrary to this Policy or is unlawful.</p>





<b>Protected Activity</b>	<p>Making a Good Faith Complaint under this Policy; filing an external complaint with appropriate authority over the matter or issue; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this Policy or the law; participating in proceedings involving Complaints of Discrimination, Harassment, or Retaliation under this Policy or under the relevant laws; or any other activity protected by applicable federal or state civil rights laws. As the University is exempt from the prohibition of discrimination based on religion, activity in connection with complaints of religious discrimination is not Protected Activity.</p>
<b>Protected Characteristics</b>	<p>Race, color, national origin, ethnicity, citizenship, immigration status, disability, sex, age, genetic information or the refusal to submit to a genetic test, past, current, or prospective service in the uniformed services, or other characteristic (except religion) protected under applicable federal, Texas, or local law. These “Protected Characteristics” are interpreted consistent with the relevant laws, including all statutory and constitutional protections for religious liberty.</p> <p>When the evidence shows that an employee’s or student’s Protected Characteristics were a substantial influencing factor behind Discrimination or Harassment, a violation of this Policy may be found. An influencing factor is considered substantial when the injurious action or other conduct would not have otherwise reasonably occurred unless the Protected Characteristics were present. A “substantial influencing factor” as identified under this Policy may overlap with or be broader than the minimums established in law under the term “Motivating Factor.”</p>
<b>Relevant</b>	<p>Information that: <b>(a)</b> has any tendency to make a fact more or less probable than it woul3oe0B-15-11(a)11(n)-11( )-153(i)-4(t)5( )-25,(t)28(o)</p>

Acts or words against an individual or group of individuals involved in a Protected Activity because of participation in the Protected Activity. Retaliation can take many forms, including, but not limited to, injurious action, violence, threats, or intimidation when such acts or words would discourage a reasonable person (under similar circumstances and with similar identities to the Complainant) from engaging in Protected Activity.

**Retaliation**

When the evidence shows that an employee's or student's Protected Activities were a substantial influencing factor behind retaliatory acts, a violation of this Policy may be found. An influencing factor is considered substantial when the acts would not have otherwise reasonably occurred unless the Protected Activity occurred. Sequencing and timing of events will be considered in evaluating influencing factors. A "substantial

## IX. Responsibilities

<p><b>Associate Vice President for Equity</b></p>	<p>Provides oversight for the Equity Office functions including supervision of staff, policy oversight and implementation of processes and practices.</p> <p>The Associate Vice President for Equity may delegate responsibilities under this policy to designated administrators or external professionals, who will have appropriate training and/or experience. When used in this policy, the term Associate Vice President for Equity may include an appropriate designee.</p>
<p><b>Covered Individuals</b></p>	<ul style="list-style-type: none"> <li>• Know, understand and comply with this Policy;</li> <li>• Engage bystander intervention strategies to stop Discrimination, Harassment, and Retaliation;</li> <li>• Be receptive to concerns and Complaints of Discrimination, Harassment, and Retaliation; and</li> <li>• Immediately report allegations to the Equity Office (non-supervisors are strongly encouraged to report).</li> </ul>
<p><b>Equity, Civil Rights, and Title IX Office (“Equity Office”)</b></p>	<p>Oversees the University’s centralized response to all Complaints by or against Covered Individuals or other reports of prohibited conduct against the University or a subset thereof. Ensures consistent implementation of this Policy and compliance with federal and state law.</p>
<p><b>Human Resources</b></p>	<p>Coordinates with the Equity Office on Complaints against employees, to include faculty, staff, and student-employees.</p>
<p><b>Office of General Counsel</b></p>	<p>Provides legal support to the Equity Office, to include performing legal sufficiency reviews.</p>
<p><b>Office of Provost</b></p>	<p>Coordinates with the Equity Office on Complaints against faculty members.</p>
<p><b>Procurement</b></p>	<p>Coordinates with the Equity Office on Complaints by or against contractors.</p>
<p><b>Student Conduct Administration</b></p>	<p>Coordinates with the Equity Office on Complaints against Students.</p>
<p><b>Supervisors (includes Chairs and Department Heads)</b></p>	<ul style="list-style-type: none"> <li>• Know and understand this Policy;</li> <li>• Take action to prevent and immediately stop Discrimination, Harassment, and Retaliation;</li> <li>• Be receptive to concerns and Complaints of Discrimination, Harassment, and Retaliation; and</li> <li>• Immediately report allegations to the Equity Office</li> <li>• Immediately take appropriate corrective action (in consultation with the Equity Office and Office of Human Resources) when they become aware of potential violations of this Policy.</li> </ul>
<p><b>Threat Assessment Group (TAG)</b></p>	<p>The TAG is responsible for analyzing, evaluating, and disseminating protective intelligence information relating to both internal and external individuals who may pose a threat to students, faculty, and/or staff.</p>





## A. Reporting Civil Rights Complaints to the Equity Office

1. Complaints. Covered Individuals should immediately report any and all information they know about suspected or potential violations of this Policy to the Equity Office. This includes those who witness or receive information about, or who have been subjected to Discrimination, Harassment, or Retaliation by a Covered Individual. The Equity Office will accept Complaints made in person, by phone or in writing. Individuals making reports to the Equity Office need not state a Complaint to the degree that would be necessary to determine all elements of the allegation but, if possible, a person submitting a report should include the following information when making a Good Faith Complaint: (1) the Complainant's name and contact information; (2) the names of the Respondent(s); (3) an explanation of the conduct reasonably believed to constitute prohibited discriminatory, harassing, or retaliatory conduct with approximate date(s) of when these actions occurred; and (4) a brief description of why the reporter reasonably believes the alleged conduct violates this Policy.

Because of jurisdictional timelines associated with the ability of government agencies and courts to consider violations of various Civil Rights laws (consistent with the exceptions noted above in this Policy), Complaints under the Policy should immediately be made with the Equity Office, and within 180 days of the most recent alleged prohibited discriminatory, harassing, or retaliatory conduct. The Equity Office retains discretion to accept Complaints filed outside of the 180-day timeframe, given that Baylor has an interest in prohibiting misconduct regardless of government or court jurisdiction.

2. Supervisors Mandatory Reporters. All Supervisors and Equity staff who learn about alleged misconduct in the course and scope of their employment duties *are required to report immediately* to the Equity Office any information they know about suspected or potential violations of this Policy. This includes student-employees who are Supervisors of other student-employees (e.g., including but are not limited to Campus Living & Learning Community Leaders, Resident Chaplains, Athletics Team Managers, Peer Educators, and Line Camp Leaders). Failure by a Supervisor to report suspected or potential violations of this Policy in a timely manner may subject them to discipline, up to and including termination of employment.
3. Reporting by non-Supervisor Covered Individuals. All Covered Individuals, who are not Supervisors, *are strongly encouraged to report* to the Equity Office any information they know about suspected or potential violations of this Policy. Complaints may be made through Report It, including anonymously through EthicsPoint.

4. Emergency Reports. In the event of an immediate health or safety concern, individuals should contact 911 or Baylor University Policy Department immediately.
  
5. Good Faith Complaints. Complaints made in Good Faith under this Policy will not result in any injurious action against the Complainant, and no other person who participates in Good Faith in an investigation will be subject to Retaliation because of Good Faith participation. However, if an investigation results in a finding that the Complainant, or other participant in the process, knowingly accused another falsely of Discrimination, Harassment, or Retaliation, then the Complainant, or other such person who did not participate in Good Faith,





- < suspension of the Respondent;
- < other reasonable measures that can be used to achieve the goals of this Policy.

The determination of whether to implement Protective Measures for faculty, staff, or volunteers will be made by the Equity Office in consultation with Human Resources (and Office of Provost for faculty members) and may include consultation with the appropriate department(s) where the Complainant and Respondent work. The determination of whether to implement Protective Measures for students will be made by the Equity Office and may occur in consultation with the Vice President for Student Life, or its designee, or other offices as appropriate. While the Equity Office will not typically conduct investigations into Complaints against a Contractor or Contractor employees, in the event that Protective Measures for a Contractor or Contractor employees are needed, those measures will be coordinated with Procurement prior to decision and implementation. In appropriate cases the Equity Office will also coordinate with the divisional Vice President and the University's Threat Assessment Group.

A Respondent may be suspended (paid or unpaid) from employment, volunteer activities,

All individuals are encouraged to report to the Equ



for Equity will notify the Complainant of the University's decision to investigate the matter, but the Complainant will not be required to participate in the investigation or in any of the actions taken by the University if they choose not to do so. If a Complainant declines to participate, the University will usually

Participation in Adaptable Resolution is voluntary and either (or any) Party can request to end Adaptable Resolution at any time prior to signing a written Adaptable Resolution agreement. Additionally, the AVP for Equity can end Adaptable Resolution if the AVP determines it is no longer the appropriate avenue for resolution for a given report. If Adaptable Resolution is stopped prior to completion, information that is shared with or documented by the facilitator of the Adaptable Resolution will not be shared with the investigator if Disciplinary Resolution is initiated or resumed. A Party's willingness to participate in Adaptable Resolution will not be considered as evidence in Disciplinary Resolution. The University will not compel a Party to participate in any particular form of Adaptable Resolution conducted under this Policy.

Adaptable Resolution does not include an investigation or adjudication by the University under the Disciplinary Resolution process outlined in this Policy, but may involve the Respondent's agreement to appropriate and reasonable remedies, including supported direct conversation or interaction with the Complainant, education, training, and/or other remedies agreed to by the Parties.

The Equity Office will maintain records of all reports and conduct referred for Adaptable Resolution, which should typically be completed within 60 calendar days of the agreement to begin Adaptable Resolution. While the University will seek to honor confidentiality of the Parties' communications with the facilitator during the Adaptable Resolution process to the extent necessary to facilitate the resolution, the University may

- ◁ the requirements of the Adaptable Resolution process including the circumstances under which it precludes the Parties from resuming a formal Complaint arising from the same allegations;
- ◁ the Parties' right to withdraw from Adaptable Resolution and resume or initiate Disciplinary Resolution with respect to the Complaint; and
- ◁ information about maintenance of records or how records could be shared.

The matter will be deemed resolved if and when the Parties

90 calendar days following notice to the Parties that it is proceeding with an investigation. The Equity Office will attempt to expedite investigations where Protective Measures such as suspension or a leave have been taken. Because of the wide variation in the types of Complaints that may











submit a written response to the investigator. The Parties' written responses will be considered by the investigator prior to completion of the investigative report, and some or all of the responses may be attached or otherwise incorporated into the investigative report. In the event that new, Relevant information is provided or identified at this stage, the information will be incorporated into the investigative report as deemed appropriate by the investigator, and will be shared with both Parties. As appropriate, the Parties may have the opportunity for further response if sufficient new information has been gathered. If additional review is granted, each Party will have three business days to review any additional information and any further comment by the Parties will be limited to responding to the new information only.

A Preliminary Report will include the allegation(s), factual summaries, and other appropriate elements as determined by the Equity Office. The Preliminary Report will not include the finding or reason for that finding because those elements may be impacted by the inputs from the Parties in the review process.

- (4) Final Report; Sanctions: When deemed appropriate by the investigator, the investigator will prepare a final investigative Report, which will: fairly summarize Relevant evidence; include as exhibits evidentiary materials as deemed appropriate by the investigator; and communicate findings. Complainants will not be given access to the final report.

(a) When the Respondent is a Student:

- (i) Final Report. After consideration of any responses to the Preliminary Investigative Report, the Investigator will issue a Final Report that will communicate any findings, sanctions, or remedies. The Equity Office will provide full access of the report and supporting material as appropriate to any University administrators with a business reason to view the report, such as those for whom it is necessary to implement the sanctions and remedies. The Equity Office will provide viewing access of the report to the Respondent. There may be occasions for good cause where sharing a complete Final Report is not possible, feasible, or appropriate or the Final Report is redacted, for example without limitation, for FERPA-protected information.

The Respondent and advisor are not permitted to download, print, photograph, or copy the Final Report. Violations of these

prohibitions may subject Parties to University discipline under applicable conduct codes or disciplinary processes.

- (ii) Determination of Sanctions. This Policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe,







(b) When the Respondent is Faculty or Staff, or Student-Employee: This Policy is to be interpreted in a manner consistent with and equivalent to the applicable federal and state laws prohibiting employment Discrimination, Harassment, and Retaliation. As with all BU-PPs, this policy does not create contractual rights regarding employment, discipline, termination or otherwise. As a result, this policy does not in and of itself create any legal obligation for Baylor.

(i) Final Report. After consideration of any responses to the Preliminary Investigative Report, the Investigator will issue a Final Report that will communicate findings on the allegations. The Equity Office will provide full access of the report and supporting material as appropriate to any University administrators with a business reason to view the report, such as those for whom it is necessary to implement the sanctions and remedies. The Equity Office will provide viewing access of the report to the Respondent. Ther1 48 6(d)14(e)phoTr

implicate contractual issues for those who have employment contracts.

The disciplinary action or remedies will be communicated to the Respondent by the appropriate administrator and may be in coordination with the Equity Office.

- d) Appeal Process. A Respondent found to have committed misconduct may appeal such a finding to the Associate Vice President for Equity. Appeals will typically be reviewed by an Appeal Officer appointed by the AVP for Equity. A request for appeal must be submitted in writing to the AVP for Equity no later than *five business days after* delivery of notice of the Final Investigative Report to the Respondent.

A student is afforded the option to appeal: 1) the finding of responsibility; and/or 2) the sanction(s) imposed.

An employee is only afforded the option to appeal the finding of responsibility. Appeals for disciplinary action should be made through appropriate University processes based on the disciplinary authority: HR for staff and the Provost's Office for faculty.

(1) Appeal of Finding of Responsibility

The grounds for appeal of a finding of responsibility are: 1) that the finding was arbitrary or capricious; or 2) that there was a material procedural error that substantially impacted the outcome.

If the Appeal Officer agrees that either ground or both grounds for appeal have been satisfied, the Appeal Office can nullify or modify the finding, or take other action as deemed appropriate at the discretion of the Appeal Officer. If the Appeal Officer does not agree that either ground of appeal has been satisfied, the Appeal Officer will affirm the finding, and the University's decision in the matter will be final.

(2) Appeal of the Sanction(s) Imposed

If a student Respondent Tm0 g0 G[( )] TJETQq0.00000912 0 612 792 reW\*nQ EMC-

c. Suspend the sanctions.

The decision of the Appeal Officer regarding an appeal of sanctions constitutes the University's final decision on the matter.

- e) Additional Remedies. Regardless of the outcome of an Investigation, the Equity Office may recommend additional remedies for the Complainant to address the effects of the conduct on the Complainant, restore the Complainant's access to University programs and activities, and restore to the Complainant, to the extent possible, benefits and opportunities lost (if any) as a result of the Prohibited Conduct. The Equity Office may also identify remedies to address the effects of the conduct on the University community.
- f) Re-opening Investigations. The University recognizes that under extraordinary circumstances, a Complainant or Respondent may identify newly discovered information that was not previously available during the investigation through the exercise of due diligence. The Equity Office has the discretion to review this information and determine whether it would have substantially affected the finding or sanction or if another compelling justification exists for its consideration. If so, the Equity Office may review the investigative finding or outcome and refer the matter for additional action in furtherance of this Policy.

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## **XII. Other Provisions**

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### A. Prevention and Education.

This Policy reflects the University's commitment to educate all of the members of the University community about Discrimination, Harassment, and Retaliation, their impact on individuals and the University as a whole, the steps necessary to address it, and the protections available to all involved. Such education is essential to establishing and maintaining a campus environment in which the dignity of all persons is respected.

Incoming students and new faculty and staff receive primary prevention and awareness programming and returning students and current faculty and staff receive ongoing training and related programs. The University provides coordinated programming and training through multiple departments, including the Equity Office, Human Resources, Student Health & Welfare, Student Life, Baylor University Police Department, the Provost's Office, Wellness, Health Services, and the Counseling Center.

## B. Periodic Review.

The University will review this Policy on a periodic basis as appropriate. The review will capture evolving legal requirements, evaluate the supports and resources available to the Parties, and assess the effectiveness of the resolution process (